

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 1:18-CR-02945-WJ

JANY LEVEILLE,
SIRAJ IBN WAHAJ,
HUJRAH WAHHAJ,
SUBHANAH WAHHAJ, and
LUCAS MORTION,

Defendants.

**ORDER TO SHOW CAUSE WHY MOTION TO RECUSE SHOULD NOT BE
UNSEALED**

THIS MATTER is before the Court *sua sponte*. On August 9, 2019, Defendants filed a Sealed Motion to Recuse (Doc. 137). The Court notes that Defendants filed the motion under seal for viewing by case participants only. This Court's administrative procedures set out specific bases for setting document access restrictions, and such restrictions must be permitted by the Court. *See* CM/ECF Admin. Proc. Manual, §9(h)(1) & (2).

The public generally has a right to access court records. *See United States v. McVeigh*, 119 F.3d 806, 811 (10th Cir. 1997) ("It is clearly established that court documents are covered by a common law right of access.") (citing *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 599 (1978)). The Tenth Circuit has explained that "judicial documents are presumptively available to the public, but may be sealed if the right to access is outweighed by the interests favoring nondisclosure favoring nondisclosure." *Id.*; *see also Helm v. Kansas*, 656 F.3d 1277, 1292 (10th

Cir. 2011) (“Although courts have long recognized a common-law right of access to judicial records, this right is not absolute.” (citation and footnote omitted)).

Defendants have not explained the basis for filing the motion under seal, and the Court has not yet granted Defendants leave to file the motion under seal. Therefore, the Court hereby orders the Defendants to show cause **ten (10) days** from entry of this order why the motion should not be made public.

IT IS SO ORDERED.



CHIEF UNITED STATES DISTRICT JUDGE